

DETAILED ACTION

This is in response to applicant's amendment wherein claim 50 have been added, and claims 46-47 have been canceled, Claims 24-45 and 48-50 are currently pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 24-26, 34-35, 37, 39-40 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berdan (5,350,063) in view of Smith et al (7,041,353).

As to claim 24, Berdan discloses a package comprising modules (18) arranged side by side (Figure 5), each module (18) comprising a plurality of insulation elements (10, Column 2, lines 62-66) combined by a film covering (16), the modules being by wrapping elements to form a storage and transport unit, the modules being protected against water ingress by a waterproof covering (Polypropylene, 20, Column 3, lines 32-35), wherein each module comprises several insulation rolls or insulation panel packets and the insulation rolls or insulation panel packets are arranged in one layer adjacent to each other. However, Berdan does not disclose the waterproof covering completely encasing the modules. Nevertheless, Smith discloses packaging with waterproof covering (polymeric film, Column 3, line 55) completely encasing the module (Figure 1).

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It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the exterior wrap around waterproof covering of Berdan with completely encasing the article within as taught by Smith to prevent water to contaminate the article within the package, this packaging can also reduce the material use when wrapping and encasing the entire package instead of wrapping individual module.

As to claim 25, Smith discloses the waterproof covering completely encloses the insulation elements (24, 26, Figure 1).

As to claim 26, Smith discloses waterproof coring is composed of a film (Column 3, line 55).

As to claim 34, Berdan discloses the insulation elements are packaged under a compression ration of at least 4:1 (Column 2, lines 63-65).

As to claim 35, Smith discloses the waterproof covering is bonded in an overlap area (sealed, column 3, lines 54-62).

As to claim 37, as best understood, Smith discloses an excess portion of the waterproof covering projects outwards (Figure 1) to form a rib-like gripping edge which is capable to grip the module at the gripping edge.

As to claim 39, the package of Berdan as modified by Smith in claim 37 above, further discloses the excess portion, but does not disclose the excess portion as measured from a weld to an edge of the film is at least 5 cm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the package of Berdan so the distance between weld area to an edge of the film

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is at least 5 cm because the selection of the specific distance such as the distance as disclosed by Berdan or as claimed would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well and inasmuch as applicant's specification does not state that using these specific distance as claimed solves any particular problem or yields any unexpected results.

As to claim 40, Smith discloses the modules do not have a pallet and the modules are stacked and have a waterproof packaging (Figure 3), which the modules being held together by retainers (18).

As to claim 45, Berdan discloses each insulation element comprises a plurality of insulation panels (10).

4. Claims 27-31 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berdan (5,350,063) and Smith et al (7,041,353) as discussed in claim 24 above, further in view of Titchenal et al (3,681,092).

As to claim 27-31, Berden and Smith as discussed in claim 24 and 26 above, does not discloses said water proof covering composed a film comprising polyamide and said water proof covering is composed of a moisture-adaptive material whose water vapor diffusion resistance is dependent on a relative humidity of a surrounding atmosphere, when the relative humidity of the atmosphere surrounding the film covering is in the range from 30 to 50%, the material has a water-vapor diffusion resistance of 2 to 5 m diffusion-equivalent air-layer thickness and when the relative humidity is in the range from 60 to 80 %, the material has a water-vapor diffusion resistance of less than

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1 m diffusion-equivalent air- layer thickness and said material is composed of polyamide. However, Titchenal discloses package with multiple packets (14) wrap around with outer film (16) and said outer film is made out of polyamides (column 3, lines 55-58) breathing purpose. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the outer package of Berden as modify by Smith with polyamide outer film package multiple packets as taught by Titchenal to have water proof heat shrinkable material wrapping said inner packets to protect article within the package. Polyamide is the material used for outer water proof film package material by Titchenal, which said material have the same material property as claimed which can also made to moisture-adaptive material whose water vapor diffusion resistance is dependent on a relative humidity of a surrounding atmosphere, when the relative humidity of the atmosphere surrounding the film covering is in the range from 30 to 50%, the material has a water-vapor diffusion resistance of 2 to 5 m diffusion-equivalent air-layer thickness and when the relative humidity is in the range from 60 to 80 %, the material has a water-vapor diffusion resistance of less than 1 m diffusion-equivalent air- layer thickness.

As to claim 43, Berden as modified in claim 43, the material as modified by Titchenal (polyamide) is permeable to water vapor (breathable film).

5. Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berdan (5,350,063) and Smith et al (7,041,353), further in view of Teague et al (6,471,061).

As to claims 32 and 33, Berdan as discussed in claim 24 above, does not disclose said discloses at least two of the modules are arranged alternatively upright and lying flat or alternately upright to each other. However, Teague discloses a packaging system (20) containing packages which all of the packages are lying flat and offset relative to each other (Figures 1 and 2) which is equivalent to have interior packages arranged in different orientation such as upright position. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the package system of Berdan as modified with lying flat and alternatively offset relative to each other as taught by Teague to stack each packages into a large rectangular shape for easily storage and transport. It would also have been obvious to one having ordinary skill in the art at the time the invention was made to modify the package of Berden as modified so the modules layer arrangement arranged upright and lying flat or upright to each other because the selection of the arrangement such as the layer arrangement as disclosed by Berden as modified or as claimed would have been an obvious matter of design choice.

6. Claims 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berdan (5,350,063) and Smith et al (7,041,353), further in view of Favoren (5,417,040) or Bernett et al (6,326,069).

As to claim 36, Berden as modified as discussed in claim 24 above, does not discloses said waterproof covering is composed of film which is self adhesive in an overlap area and which attached to itself on making contact, without additionally

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requiring an adhesive. However, Favoren discloses a film strip (8 and 9) which is self-adhesive in an overlap area and which attaches to itself on making contact by applying force to attached to each other and Bennett discloses thin layer of adhesive film self-adhesive in an overlap area which attached to itself on making contact (column 4, lines 8-14). It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify Berden as modified with self-adhesive film as taught by Favoren or Bennett to reseal said package for multiple use.

7. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berdan (5,350,063) and Smith et al (7,041,353), further in view of Rockwool (DE9117214).

As to claim 38, the package of Berdan as modify by Smith in claim 37 above, does not disclose the rib-like edge gripping edge is provided with opening spaced to allow the gripping edge to the grabbed. However, Rockwool discloses a packaging system with top edge (23) having opening spaces (28) to be able to grab said package. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the modules package of Berdan with edge having openings as taught by Rockwool to easily grab said packaging by the end user.

8. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berdan (5,350,063) and Smith et al (7,041,353), further in view of Reinhardt (5,873,460).

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As to claim 41 and 42, the package of Berdan as modified by Smith in claim 40 above, does not disclose an interposing layer is provided between layers of the modules as a lifting point for a fork lift, and said interposing layer comprises plastic. However, Reinhardt discloses an interposing layer (Spacer 10, layer between dry wall 12 in Figure 1) is provided between layers of the modules as a lifting point for a fork lift (Column 3, lines 23-27), and said interposing layer comprises plastic (High density polystyrene). It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the modules package of Berdan with interposing layer made of high density polystyrene as taught by Reinhardt to convenience move said packaging with fork lift by the end user.

9. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berdan (5,350,063) and Smith et al (7,041,353), further in view of Rias (4,535,587).

As to claim 44, Berdan as discussed in claim 24, does not disclose each insulation element comprising an insulation roll. However, Rias discloses a package system for insulation element form with an insulation roll (Figures 1-3). It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the insulation pad of Berdan with insulation roll as taught by Rias to have same packaging with different shape and different way of insulation material to benefit the manufacturer.

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10. Claims 48-49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berdan (5,350,063), in view of Smith et al (7,041,353).

As to method claims 48-49, all recited structures of the package are disclosed by Berdan, Smith et al as discussed in the rejections of claims 24-45 above. The method of transporting and using insulation element assembly from such a package is rendered obvious to one of ordinary skill in the art by the obvious method of transporting and using of Berdan as modified. Further, the use of disposing of a waterproof covering for a high-pitched roof is matter of design choice and does not disclose any structural limitation. Applicant discloses an intended use language "for" which does not clearly if applicant is actually claiming to use the waterproof covering as a vapor barrier on a high pitch roof. It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1951).

11. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berdan (5,350,063) and Smith et al (7,041,353) is discussed in claim 24 above, further in view of Todt (5,491,017).

As to claim 50, Berdan as modified as discusses in claim 24, fail to disclose said outer wrapper are UV resistant. However, sun's ultraviolet rays can damage insulation material, therefore, Todt discloses a wrapper which enclose the entire article (such as wrapping hay, missile as shown in Figure 5-6), which film wrapper can be treated with

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UV stabilizer (also known to resist UV ray) to protect the article within the wrapper. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to protect the insulation panel of Berdan as modified with the outer wrapper that is UV resistant as taught by Todt to protect the insulation panel to prevent damage from sun's UV ray.

Response to Arguments

12. Applicant's arguments filed 01/14/2010 have been fully considered but they are not persuasive.

Applicant argument that the resulting combination of Berdan '063 reference in view of Smith '353 patent would be the package as disclosed in U.S. patent No. 4,555,017 and the combination would not result in a plurality of insulation elements combined by a film covering to form a module. This argument is not persuasive, Berdan discloses a module comprises plurality of insulation element tie by wrapping element and additional outer sleeve is use to tie 3-6 individual insulation module together and Smith teaches enclosing the "entire" insulation panel together to prevent water ingress, therefore, examiner is taking the position which only modify the outer sleeve with sleeve that entirely enclose a group of insulation material which to protect the insulation from water and with additional reason such as: reduce manufacturing process and reduce the film material used to enclose a group of insulation panels.

Applicant further argues that Titchenal is design packaging specifically to fresh meat and would not use to design to protect insulation. However, meat package is using Polyamide as a breathing film to assist the article within the wrapper with certain

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gas interchange with the exterior environment. Therefore, applicant can not argue these two patent are non-analogues art, and in addition, since insulation material is in need to provided air interchange with the environment to keep interior in the dry condition, it would be obvious using the similar wrapper with same material to combine the references together.

Further more, Applicant argues that the method step using the waterproof covering as a vapor barrier for a high-pitch roof. This argument is not persuasive because applicant does not specifically claiming that disposing the film wrapper "is" using on a high pitch roof because of the intended use language "for", therefore, people can disposed the wrapper by using it as a garbage bag.

Applicant further argues that Teague does not teach "alternatively upright and lying flat in claims 32 and 33. This is not persuasive because examiner is taking the position that Teague discloses alternate package on the pallet for transport the article which create a more steady stacking strength, and it would be obvious to a person with skill in the art of the invention to stack articles in different position, such as upright and lying flat, to provide with the stacking strength of the article on the pallet.

Applicant further argues that Davoren or Barnett does not disclose the adhesive in an overlap area an which a self-adhesive in a overlap area and which attaches to itself on making contact. This argument is not persuasive because applicant does not explain in detail regarding to self-adhesive film and it is not clear to examiner on the How the film is self-adhesive without additional adhesive? Therefore, Examiner is using the broadest reasonable interpretation, Barnett discloses a package with two films

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that is self-adhesive through an adhesive, and this packaging does not required "additional" adhesive to assist with closing said package and Davoren discloses a resealable bag with zipper "strips" can be self-attached to each other and when closing said bag, the strips is not an adhesive and does not need "additional" adhesive to close the resealable bag.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUN CHEUNG whose telephone number is (571)270-5702. The examiner can normally be reached on Monday to Friday: 8:30AM~ 6:00AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571)272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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